

**Senate File 2181 - Reprinted**

SENATE FILE 2181  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3057)

(As Amended and Passed by the Senate February 16, 2010)

**A BILL FOR**

1 An Act relating to employment practices and public safety  
2 programs administered by the division of labor services of  
3 the department of workforce development.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 88.5, subsection 1, Code 2009, is amended  
2 by striking the subsection and inserting in lieu thereof the  
3 following:

4 1. *Promulgation of rules.* The commissioner shall, by rule,  
5 promulgate standards as needed to conform state occupational  
6 safety and health standards to federal occupational safety and  
7 health standards. The commissioner shall follow the rulemaking  
8 procedures of chapter 17A, and shall file a notice of intended  
9 action within ninety days of federal publication of a new,  
10 amended, or revoked federal standard.

11 Sec. 2. Section 88.19, Code 2009, is amended to read as  
12 follows:

13 **88.19 Annual report.**

14 Within one hundred twenty days following the convening  
15 of each session of each general assembly, the commissioner  
16 shall prepare and submit to the governor for transmittal to  
17 the general assembly a report upon the subject matter of  
18 this chapter, the progress toward achievement of the purpose  
19 of this chapter, the needs and requirements in the field  
20 of occupational safety and health, and any other relevant  
21 information. Such reports may include information regarding  
22 occupational safety and health standards, and criteria for such  
23 standards, developed during the preceding year; evaluation of  
24 standards and criteria previously developed under this chapter,  
25 defining areas of emphasis for new criteria and standards;  
26 and evaluation of the degree of observance of applicable  
27 occupational safety and health standards, and a summary of  
28 inspection and enforcement activity undertaken, ~~including~~  
29 ~~remedial actions taken under chapter 89A;~~ analysis and  
30 evaluation of research activities for which results have been  
31 obtained under governmental and nongovernmental sponsorship;  
32 an analysis of major occupational diseases; evaluation of  
33 available control and measurement technology for hazards for  
34 which standards or criteria have been developed during the  
35 preceding year; description of cooperative efforts undertaken

1 between government agencies and other interested parties in  
2 the implementation of this chapter during the preceding year;  
3 a progress report on the development of an adequate supply  
4 of trained personnel in the field of occupational safety and  
5 health, including estimates of future needs and the efforts  
6 being made by government and others to meet those needs;  
7 listing of all toxic substances in industrial usage for which  
8 labeling requirements, criteria, or standards have not yet  
9 been established; and such recommendations for additional  
10 legislation as are deemed necessary to protect the safety and  
11 health of the worker and improve the administration of this  
12 chapter.

13 Sec. 3. Section 89.3, subsection 9, Code Supplement 2009,  
14 is amended by striking the subsection and inserting in lieu  
15 thereof the following:

16 9. An internal inspection shall not be required on an  
17 unfired steam pressure vessel that was manufactured without an  
18 inspection opening.

19 Sec. 4. Section 89.4, subsection 3, Code 2009, is amended by  
20 striking the subsection.

21 Sec. 5. Section 89.6, Code 2009, is amended to read as  
22 follows:

23 **89.6 ~~New boilers~~ — ~~notice~~ Notice to commissioner.**

24 1. Before any equipment included under the provisions  
25 of this chapter is installed by any owner, user, or lessee  
26 thereof, a ten days' written notice of intention to install the  
27 equipment shall be given to the commissioner. The notice shall  
28 designate the proposed place of installation, the type and  
29 capacity of the equipment, the use to be made thereof, the name  
30 of the company which manufactured the equipment, and whether  
31 the equipment is new or used.

32 2. Before any power boiler is converted to a low pressure  
33 boiler, the owner or user shall give ten days' written notice  
34 of intent to convert the boiler to the commissioner. The  
35 notice shall designate the boiler location, the uses of the

1 building, and other information specified by rule by the board.

2     Sec. 6. Section 89.14, Code Supplement 2009, is amended by  
3 adding the following new subsection:

4     NEW SUBSECTION. 9. The board may adopt rules governing the  
5 conversion of power boilers to low pressure boilers.

6     Sec. 7. Section 91.4, subsection 5, Code 2009, is amended  
7 to read as follows:

8     5. The director of the department of workforce development,  
9 in consultation with the labor commissioner, shall, at the  
10 time provided by law, make an annual report to the governor  
11 setting forth in appropriate form the business and expense of  
12 the division of labor services for the preceding year, the  
13 number of remedial actions taken under chapter 89A, the number  
14 of disputes or violations processed by the division and the  
15 disposition of the disputes or violations, and other matters  
16 pertaining to the division which are of public interest,  
17 together with recommendations for change or amendment of the  
18 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,  
19 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,  
20 and the recommendations, if any, shall be transmitted by the  
21 governor to the first general assembly in session after the  
22 report is filed.

23     Sec. 8. Section 92.12, Code 2009, is amended to read as  
24 follows:

25     **92.12 Migrant labor permits.**

26     1. Every person, firm, or corporation employing migrant  
27 laborers shall obtain and keep on file, accessible to any  
28 officer charged with the enforcement of this chapter, a  
29 ~~special~~ work permit, prior to the employment of such migratory  
30 laborer.

31     2. ~~Special-work~~ Work permits for migrant workers  
32 shall be issued by the superintendent of schools, or the  
33 superintendent's designee, nearest the temporary living  
34 quarters of the family, ~~or by the county director of social~~  
35 ~~welfare~~ or by the department of workforce development, upon

1 application of the parent or head of the migrant family. The  
2 person authorized to issue such permits for migratory workers  
3 shall not issue such permit until the person has received,  
4 examined, and approved ~~one of the following as evidence of~~  
5 ~~age: a birth certificate, passport, baptism certificate, or~~  
6 ~~school record~~ documentation of proof of age as described in  
7 section 92.11. ~~Applicants under fourteen years of age must~~  
8 ~~obtain a certificate from a registered nurse or physician~~  
9 ~~stating that the applicant for the work permit has reached the~~  
10 ~~normal development of a child of the applicant's age and is in~~  
11 ~~sufficiently sound health and physically able to perform the~~  
12 ~~work for which the permit is sought.~~

13 3. One copy of the permit issued shall be given to the  
14 employer to be kept on file for the length of employment and  
15 upon termination of employment shall be returned to the labor  
16 commissioner. One copy of the permit shall be kept by the  
17 issuing officer, and one copy forwarded to the commissioner,  
18 ~~along with the certificate of fitness of the persons under~~  
19 ~~fourteen years of age.~~ The blank forms for the work permit for  
20 migratory workers shall be formulated by the commissioner and  
21 furnished by the commissioner to the issuing officer.